



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,503	09/24/1998	RICHARD D. CAPPELS SR.	P2267/PA1021	6429

7590

07/15/2003

NANCY R. SIMON
SIMON & KOERNER LLP
10052 PASADENA AVENUE
SUITE B
CUPERTINO, CA 65014

EXAMINER

JOSEPH, THOMAS J

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 07/15/2003

33

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/160,503

Applicant(s)

CAPPELS ET AL.

Examiner

Thomas J Joseph

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,21-32 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,21-32 and 41-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's arguments filed on 5-9-2003 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1 – 3, 4, 21-24, 44, 45, 48, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Hekmatpour (US 6,052,676).

Claim 1 is rejected. Hekmatpour teaches windows for accessing software programs (fig. 2i-2p). This window driven program is also program manager and a window manager. Any window that accesses other programs or procedures of any type is also a program manager. Further, windows require video signals. Hekmatpour teaches use of buttons and icons for activating window driven functions (fig. 3a). These buttons demonstrate a type of window manager for running programs. Hekmatpour teaches a video display window (fig. 2n, "video animation"). Such a window requires a video signal. Further, the window manager requires a video signal for the said corresponding window manager to be present in the video signal. Hekmatpour teaches windows software (fig. 2i – 2p). Such software inherently teaches a processor that acts as a window decoder for extracting special window information from said video signal and responsively generating a display control signal; any type of circuitry that translates input entered into computer readable signals then back to human readable output is a

type of window decoder. Using the video animation window (fig. 2n, "video animation") is a method for generating an image on a display, wherein the said image includes one or more special windows. The video animation window (fig. 2n, "video animation") is a method for processing a video signal characterizing the said image to be generated on the said display. Hekmatpour teaches displaying a control signal enabling special processing of portions of the said video signal associated with said one or more special windows (fig. 2n, "external application controls").

Claims 2 and 22 are rejected. Hekmatpour teaches the use of a window (fig. 2i-2p). Hekmatpour teaches a windows control (fig. 2i-2p). Such programs are a type of operating system.

Claim 3 is rejected. The video animation slide show disclosed by Hekmatpour (fig. 2i, "video animation slide show") teaches an apparatus that includes the window decoder implemented as an application-specific integrated circuit.

Claim 4 is rejected. Hekmatpour teaches an apparatus containing a target area in said special windows to be specially processed in response to said display control signal (fig. 2i). The video animation displayed is in response to user input. This input produces a display control signal. Hekmatpour teaches the presence of a video interface for transmitting data that includes said special window information to said display (fig. 2i).

Claim 21 is rejected. Hekmatpour teaches a window on a screen that embeds a special window (fig. 2n, "video animation"). Hekmatpour teaches the presence of icons on the said window. This technology demonstrates a method for extracting said special window information from said video signal using a window decoder (fig. 2i). Video data requires some type of decoding process. Hekmatpour teaches generating display control signals in response to said window information to enable different processing of

Art Unit: 2174

portions of said video signal associated with said one or more special windows to produce said one or more special windows on said display (fig. 2i - 2p). The scroll bars and various controls are available for producing windows and performing other control functions. Any sub-window is a type of special window.

Claim 23 is rejected. Hekmatpour discloses the use of a window requiring a program implemented on a processing device for use with a specific set of applications (fig. 2i). This program is a type of window decoder that is implemented as an application-specific integrated circuit. The video window requires a window coder for decoding video data code into a human understandable form.

Claim 24 is rejected. Hekmatpour discloses a window displayed on a video screen containing specific information (fig. 2i). This window display demonstrates a method for specially processing a target area in said special windows in response to said display control signal and transmitting data including said special window information to said display using a video interface (Hekmatpour, fig. 2i).

Claim 44 is rejected. Hekmatpour discloses special window information that is embedded in the video signal so as to be visually indistinctive to a viewer (fig. 2i). The video window is a special window for displaying embedded information from a video signal that is visually indistinctive to the viewer.

Claim 45 is rejected. Hekmatpour discloses special window information that is embedded in the video signal that is visually indistinctive to a viewer (fig. 2i).

Claims 48 and 50 are rejected. Hekmatpour teaches a display method, means, and apparatus for display, wherein the image includes one or more special windows (fig. 2i-2p). Hekmatpour teaches receiving a video signal that represents said image to be generated on said display, wherein the video signal includes at least one embedded key signal (fig. 2i-2p). Hekmatpour teaches extracting at least one key signal from said

Art Unit: 2174

video signal (col. 5, lines 25 - 35). Hekmatpour teaches selectively generating a display control signal in response to said at least one key signal, wherein said display control signal indicates a target area within said one or more special windows is to be specially processed (col. 5, lines 25 - 35). Hekmatpour teaches generating an output signal based on said video signal and the presence or absence of the said display signal, wherein said output signal produces said image including said one or more special windows on the said display (fig. 2i - 2p).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 - 9, 12, 25-30, 32, 41-43 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour (US 6,052,676) as applied to claim 4 above, and further in view of Tse (6,169,533).

Claim 5 is rejected. Hekmatpour fails to teach using an RGB matrix. Tse teaches an RGB matrix that uses pixels in a display (col. 4, lines 30 - 40). Tse teaches graphics including a first color signal serving as a video clock signal for said special display information (col. 4, lines 30 - 40). Tse teaches a second color signal that includes said display information (col. 4, lines 30 - 40). Tse teaches providing at least two RGB color signals, an auxiliary RGB signal and a main RGB signal (col. 4, lines 30

Art Unit: 2174

– 40). It would have been obvious to one with ordinary skill in the art at the time of the invention to provide two or three RGB signals as taught by Tse with the window decoder taught by Hekmatpour. Doing so enhances the ability for a display system to output a multiple number of views with greater accuracy. Any window system requires a means for displaying human readable information.

Claim 6 is rejected. Tse demonstrates the use of a special window that reads key signals including a pattern of bits of the said special window (fig. 4; col. 2, lines 7 – 20). Tse teaches the use of a window which can be understood as the presence of a software program for interpreting information for encoding a target area position (fig. 4; col. 2, lines 7 – 20). Tse teaches displaying a window on a display device, which can be interpreted as corresponding the target position to a pattern of said pixels depicted on said display device (col. 4, lines 30 – 40).

Claim 7 is rejected. Tse teaches the use of a pixel pair that uses an RGB matrix in a display system wherein each member pixel pair is proximately located, said pixel pair is colored according to said first color signal, said second color signal, and said third color signal in an additively complementary manner to visually approximate a single pixel of a mixed color (col. 4, lines 30 – 40). The typical RGB based pixel system describes a pixel pair, colored according to a first, second, and third color.

Claim 8 is rejected. Hekmatpour teaches a start sequence indicating a beginning of said key signals (col. 5, lines 25 – 35). When the window is opened, the beginning of a key signal is indicated. Hekmatpour teaches a code sequence distinguishing said key signal from said data (col. 5, lines 25 – 35). When the user of a software program

Art Unit: 2174

makes a selection, distinct signals are released from the input device. These signals are distinct from the code sequence that is stored in memory during execution.

Hekmatpour teaches a horizontal and vertical offset sequence indicating a boundary of said target area relative to a horizontal position of the said key signal (fig. 6a – 6c; col. 8, lines 47 – 62). Hekmatpour inherently teaches a CRC checksum verifying said horizontal offset sequence and said vertical offset sequence (fig. 6a-6c; col. 8, lines 47-62). The pattern for opening multiple windows demonstrates both a horizontal and vertical offset sequence. Hekmatpour teaches a step sequence method indicating an end of said key signals (fig. 6a – 6c; col. 8, lines 47 – 62).

Claim 9 is rejected. Hekmatpour teaches a nondifferential key signal data indicating said start sequences and said stop sequences (fig. 6a-6c; col. 8, lines 47 – 62). The scroll bars require a nondifferential key signal data indicating said start sequences and said stop sequences. Hekmatpour teaches using differential key signal data that indicates remaining components of said key signals (fig. 6a-6c; col. 8, lines 47 – 62).

Claim 12 is rejected. Hekmatpour teaches a series of button inputs, icons, sliders, etc. (fig. 2i – 2p). These are sequences indicating a selection from among a plurality of available special processes.

Claim 25 is rejected. Tse teaches a method for processing color and raster data (col. 4, lines 30 – 40). This is a method for depicting pixels in the said display, transmitting a first color signal, serving as a video clock signal for the special window information, transmitting a second color signal including special window information,

Art Unit: 2174

and transmitting a third color signal (col. 4, lines 30 – 40). Hekmatpour and Tse teach the rationale of claim 25 in rejected claim 5.

Claim 26 is rejected. Hekmatpour teaches the presence of a window that requires processing of a pattern of bits corresponding with pixels depicted on a display (fig. 2i - 2p). This technology demonstrates transmitting key signals including a pattern of bits of the said special window information to encode a target area position and corresponding to a pattern of said pixels depicted on said display (fig. 2i - 2p). Hekmatpour and Tse teach the rationale of claim 26 in rejected claim 6.

Claim 27 is rejected. Tse teaches a method for processing color that depicts pixel pairs on the said display, each member pixel of said pixel pairs being proximately located, said pixel pairs being colored according to said first color signal, said second color signal, and third color signal in an additively complementary manner to visually approximate a single pixel of a mixed color (col. 4, lines 30 - 40). Hekmatpour and Tse teach the rationale of claim 27 in rejected claim 7.

Claim 28 is rejected. Hekmatpour and Tse teach the rationale of claim 28 in rejected claim 8.

Claim 29 is rejected. Hekmatpour and Tse teach the rationale of claim 29 in rejected claim 9.

Claim 30 is rejected. Hekmatpour and Tse teach the rationale of claim 30 in rejected claim 10.

Claim 32 is rejected. Hekmatpour and Tse teach the rationale of claim 32 in rejected claim 12.

Claim 41 is rejected. Hekmatpour and Tse teach the rationale of claim 41 in rejected claim 8.

Claim 42 is rejected. Hekmatpour and Tse teach the rationale of claim 42 in rejected claim 21.

Claim 43 is rejected. Hekmatpour and Tse teach the rationale of claim 43 in rejected claim 21.

Claim 46 is rejected. Hekmatpour discloses special window information that is embedded in the video signal so as to be visually indistinctive to a viewer (fig. 2i-2l).

Claim 47 is rejected. Hekmatpour discloses special window information that is embedded in the video signal so as to be visually indistinctive to a viewer (fig. 2i-2l).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour and Tse as applied to claim 8 above, and further in view of DeStefano (US 6,075,531).

Claim 10 is rejected. Hekmatpour and Tse fail to teach using number sequences associated with various windows indicating a number of special windows. DeStefano teaches using number sequences associated with various windows indicating a number of special windows (col. 10, lines 10 - 20). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine using number sequences associated with various windows indicating a number of special windows taught by DeStefano with the windowing and video processing disclosed by Hekmatpour and Tse. Doing so enables the user to track various windows or other software containers.

7. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour and Tse as applied to claims 8 and 28 above, and further in view of Priem (US 4,907,174).

Claim 11 is rejected. Hekmatpour and Tse fail to teach providing a shape sequence indicating a shape of said target area when said target area is not rectangular. Priem teaches a method or sequence of instructions indicating a shape of said target area when said target area is not rectangular (fig. 1; col. 3, lines 19 - 70). Such capability allows for selecting of icons and other graphical displays having various shapes. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine providing the shape sequence indicating a shape of said target area when said target area is not rectangular as taught by Priem with the method for using windows as taught by Hekmatpour and Tse. Doing so allows the programmer to provide windows and other icons having various shapes.

Claim 31 is rejected. Hekmatpour, Tse, and Priem teach the rationale of claim 31 in rejected claim 11.

8. Claims 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour and Tse as applied to claims 48 and 50 above, and further in view of Kaply (US 5,841,420).

Claims 49 and 51 are rejected. Hekmatpour fails to teach the step of disabling special processing when a special window is covered by another window. Kaply teaches a step of disabling special processing when a special window is covered by another window (col. 7, lines 35-45). It would have been obvious to one with ordinary

Art Unit: 2174

skill in the art at the time of the invention to combine the step of disabling special processing when a special window is covered by another window with the other window processing taught by Kaply with the window and color processing disclosed by Hekmatpour. Doing so reduces processing time and increase system performance.

Response to Arguments

9. Applicant's arguments with respect to claims 1 – 12, 21 – 32, and 41 – 51 have been considered.

The Applicant responds to the 35 USC 102 rejections of claims 1 – 4, 21 – 24, 44, 45, 48, and 50. The Applicant submits that a program manager is not necessarily a window manager. The Examiner responds by stating that any program including a window manager program that operates files, graphics, procedures, etc. can be a program manager. The Applicant submits that the statement, “any type of circuitry that translates input entered into computer readable signals then back to human readable output is a type of window decoder” does not teach a window decoder. The Examiner asserts that Hekmatpour and other window driven applications inherently teach using a processor representing circuitry for processing computer readable data then outputting human readable output. This processor requires the user of hardware and software processing technology. This technology acts as a window decoder. The Applicant asserts that Hekmatpour fails to teach special windows. The Examiner responds by stating that any sub-window is a type of special window. The Examiner suggests to the Applicant incorporating more detail regarding the meaning and explanation for “special windows” into the independent claims. Additional terminology regarding special

windows will make the case more difficult to reject in future office actions thus making progress in the prosecution of the Application.

The Applicant asserts that Hekematpour fails to teach selectively generating a display control signal in response to at least one key signal and generating an output signal based on the video signal along with the presence or absence of the display control signal as recited in claims 48 and 50. The Examiner responds by stating that any movement initiated by the human user within the window (fig 3b) requires at least one key signal, generating an output signal based on the video signal, and the presence or absence of the display control signal.

The Examiner recommends to the Applicant that details be added describing the invention to the claim language, particularly the independent claims. One such example describes "special windows" as including the following: "content areas or portions of content area that are to be specially processed, such as being displayed with higher than normal luminance," cited by the Applicant on page 4, lines 7 – 9 of the specification. The Examiner states such explanation in the claim language will make progress in the prosecution of this Application.

The Applicant responds to the 35 USC 103 rejections of claims 5 – 9, 12, 25 – 30, 32, 41 – 43, and 46 – 47. The Applicant asserts Tse in combination with Hekematpour fails to render the invention obvious. The Applicant asserts that colors patches displayed by Tse differ from the video image taught by the Applicant. The Examiner responds by stating that any color output displayed is also a part of video image.

The Applicant responds to the 35 USC 103 rejection of claim 10, 11, 31, 49, and 51 by stating that DeStefano, Priem, and Kaply fail to teach the special window disclosed in claim 10. The Applicant asserts by stating that DeStefano fails to teach "special windows that include content areas or portions of content areas that are specially processed, such as being displayed with higher than normal luminance" (p. 4, lines 7 – 9). The Examiner responds by stating that the claim language fails to explain special windows as the "special windows that include content areas or portions of content areas that are specially processed, such as being displayed with higher than normal luminance" as cited by the Applicant. The Examiner suggests that the Applicant amends the claims to include the above citation.

Due to at least the above reasons, the rejections of claims 1 – 12, 21 – 32, and 41 – 51 remain standing.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2174

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Monday through Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj 
July 14, 2003


KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100